RECENT DEVELOPMENTS ON THE ISSUE OF APARTHEID IN SOUTH AFRICA (III)[1]

Upcoming Milestone: Democratic Parliamentary Elections

"The day will come when South Africa, a land that is so rich and so tormented, will have overcome the upheaval of the transition. . . . Its victory, of course, will, first of all, be the victory of all South Africans, and all Africans. But it will also be the victory of mankind as a whole."

United Nations Secretary-General Boutros Boutros-Ghali, speaking on the International Day for Elimination of Racial Discrimination, 21 March 1993.

On the eve of their first-ever non-racial democratic elections, South Africans continue to negotiate their transition to a democratic Government, which, over the next two years, will oversee the dismantling of the pervasive legacy of apartheid. From 26 to 28 April 1994, all South Africans 18 years or older will have the right to cast ballots for a national parliament and provincial legislatures. As stated by Mr. Nelson Mandela, President of the African National Congress (ANC), at a meeting of the UN Special Committee against Apartheid last September, "the countdown to democracy in South Africa has begun. The date for the demise of the White minority regime has been determined, agreed and set."

The painstaking negotiating process between South Africa's political parties and the Government represents a dramatic step forward for the country's diverse and long-divided society. But the challenges are far from over. South Africans have undertaken the enormous task of organizing national elections for some 22 million voters, many of whom live abroad. Eighteen million voters, a high percentage of whom are illiterate, will be casting their ballots for the first time. The elections are taking place against a backdrop of escalating violence and intimidation by elements within the country intent on derailing the political process. And beyond the elections, the new Government of South Africa will have to contend with overwhelming economic and social imbalances created by apartheid.

Yet developments over the past year, such as the setting up of the Transitional Executive Council (TEC) and the Independent Electoral Commission (IEC), which are charged with ensuring that all political parties and individuals are able to participate in free and fair elections, signalled the country's determination to overcome what until recently appeared to be insurmountable obstacles. There is a new spirit guiding this process, according to Ms. Angela King, Deputy Special Representative of the Secretary-General for South Africa. "We see people who never spoke to each other before who are speaking to each other, who are friends. There is much more a feeling that, whatever happens in my country, it is my country and I have a say in it."

The United Nations, which has maintained its UN Observer Mission in South Africa (UNOMSA) since September 1992, is playing a key role in this transition. For more than four decades, it supported the struggle of the people of South Africa by working to isolate the apartheid regime. Economic sanctions, oil and arms embargoes and the weight of international public opinion finally contributed to bring enough pressure to bear on the Government to dismantle its system of apartheid. Now, as South Africa prepares to rejoin the world community, it is making use of the United Nations to monitor its electoral process. And in the post-

UNITED NATIONS

[1] See UN Focus, "Recent Developments on the Issue of Apartheid in South Africa" (I) and (II), DPI/1281, August 1992, and DPI/1333, March 1993, respectively.

election period, it can call on the resources and expertise of the United Nations and its system of specialized agencies as it faces the arduous task of building a new society based on respect for human rights and economic and social equality.

To contribute to mutual understanding between South Africa and the United Nations, the UN Department of Public Information organized a seminar in February 1994 in Cape Town. Designed as a forum for open discussion, the seminar brought together, in their individual capacities, South African educators, textbook writers, historians and policy makers, and specialists from the United Nations system. A follow-up seminar is planned for the post-election period, probably in November 1994.

ON THE THRESHOLD

Multi-party negotiations, which resumed in mid-1993 after almost a year of deadlock, produced agreements including a set of binding principles which are now part of the interim constitution. The South African Parliament, on 23 September 1993, established the TEC to oversee government operations and preparations for elections. The TEC, which began its work in December 1993, was part of a package of agreed transitional arrangements which included bills setting up the Independent Media and Electoral Commissions and the Independent Broadcasting Authority. The South African Parliament also adopted an interim constitution.

Mr. Mandela has said that the TEC's establishment marked the first-ever participation by the majority of the South African people at governmental level in the process of determining the destiny of their country. As the historic precursor to the interim Government of national unity to be formed after the elections, the TEC has provided the mechanism for South Africa's interaction with the international community until the formation of a new Government, in addition to supervising government operations in sensitive areas prior to the elections.

The interim constitution comes into effect on 27 April 1994. It:

- Provides a Bill of Rights guaranteeing fundamental human rights, including equality of race and gender; freedom of speech, assembly and movement; the right to vote; the right to a fair trial; and the right not to be exposed to torture and cruel or inhuman punishment;
- Limits the President's power to declare a state of emergency;
- Abolishes the homelands and divides the country into nine provinces;
- Provides that a government of national unity responsible to the National Parliament (interim parliament/constituent assembly) will be established following the April 1994 elections and will continue until 1999, when national elections under a permanent constitution will be held.

The new National Parliament, to be formed after the April elections, will consist of a 400-member National Assembly, elected on the basis of proportional representation, and a 90-member Senate, which will be elected by the nine provincial legislatures. The National Assembly will elect the President of the country. Sitting in joint sessions, the Assembly and Senate will serve as a constituent assembly, mandated to draw up South Africa's permanent constitution. The time-frame for this is two years.

ECONOMIC SANCTIONS LIFTED

In response to these historic advances, Mr. Mandela, in September 1993, appealed to the international community to lift economic sanctions against South Africa. That request, supported by the Organization of African Unity (OAU), resulted in the lifting of sanctions by many countries around the world. In Washington, President Bill Clinton

urged all communities in the United States to move quickly, saying, "we must now respect the judgement of the leaders of South Africa".

And, on 8 October 1993, in the first resolution of its 48th session (A/RES/48/1), the General Assembly responded by lifting economic sanctions it had imposed against the South African Government, with immediate effect. The Assembly further decided to lift the oil embargo as of December 1993, when the TEC became operational. This marked the end of a long history of General Assembly sanctions against South Africa, begun in 1962 and expanded over the years as the international community sought ways to end the system of apartheid. The Security Council's mandatory arms embargo against South Africa, adopted in 1977 (resolution 418), remains in effect, however.

MAXIMIZE PARTICIPATION

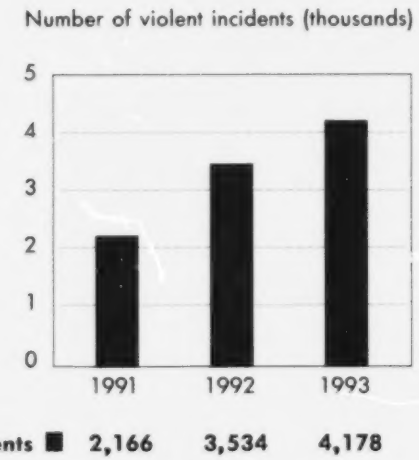
"Significant sectors of our society have publicly adopted a stance of non- participation. My own view is that the majority of the supporters of [those] parties wish to participate in the election. If the law-enforcement agencies are able to contain major eruptions of violence, which I believe they will ... the tide of the elections will be irresistible."

Justice Johann Kriegler,
Chairman of the Independent Electoral Commission,
at a meeting of the Liaison Group of Anti-Apartheid
Movements in the European Union,
28 February 1994

Over the past year, politically inspired violence continued at unprecedented levels, taking a high toll in human lives and destruction of property and spreading fear and anguish throughout the country. This, coupled with a boycott of the negotiations by some political parties, posed an ongoing threat to the political process.

In its reports, the independent Human Rights Commission of South Africa has linked outbreaks of violence to progress achieved in the multi-party negotiations. The highest death tolls recorded have been 709 persons in August 1990, when the Pretoria Minute was adopted by the ANC and the Government of South Africa (this agreement made the release of large numbers of political prisoners possible), and 605 deaths in July 1993, when the dates for elections to a constitutional assembly were announced.

Three Years of Increasing Violence in South Africa



	1991	1992	1993
Incidents	2,166	3,534	4,178

Based on statistics compiled by the Human Rights Commission of South Africa.

Recent months have seen a concerted effort to bring all parties of the political spectrum into the democratic process. But at every turn, the negotiations have met with serious challenges and dissension.

By 12 February 1994, the first deadline for registration to participate in the elections, 19 political parties had registered. However, the parties of the Freedom Alliance, consisting then of the homeland government of Bophuthatswana, the

Inkatha Freedom Party (IFP), and the White right-wing parties of the Afrikaner Volksfront (AVF), had announced several days earlier that they would not register. At issue was their demand for further regional autonomy, including authority on constitutional issues, and for a homeland for Afrikaners.

To accommodate these demands, reduce the threat of violence and avert a right-wing boycott of the elections, the Multi-Party Negotiating Council, on 21 February 1994, approved a package of proposals initiated by the ANC, which included amendments to the Constitution and the Electoral Act. These were designed to enhance the powers and functions of provinces and to provide for two ballot papers—one for the National Assembly and one for the provincial legislatures—with a view to improving the electoral prospects of parties with a mainly regional following.

To encourage more parties to participate, the Council also extended the deadline for registration to 4 March 1994. Even though the Freedom Alliance refused to attend that session of the multiparty conference, the ANC and the Government agreed to include the compromise offer in the constitution and to press ahead with South Africa's first democratic elections.

From 26 February to 6 March 1994, a mission of the UN Special Committee against Apartheid, including its chairman, Prof. Ibrahim Gambari, visited South Africa to encourage the leadership of the political parties in their efforts to bring all parties into the process and to conduct the elections as scheduled in an atmosphere free from violence and intimidation.

Negotiations continued. A partial breakthrough was achieved on 1 March, when the ANC and IFP agreed to promote conditions in which South Africans could exercise their democratic rights and pledged to work to reduce the level of violence in the country. By the extended deadline of 4 March, 10 additional parties had registered to take part in the elections, bringing the total of registered parties to 29. By 11 March, 27 parties had registered their respective lists of candidates. However, the IFP and the Conservative Party had not.

Many other parties belonging to the Freedom Alliance continued to boycott the process. For example, the government of the Black homeland of Bophuthatswana prohibited campaigning and voter education in the territory and harassed prospective voters—a situation which, if allowed to continue, would have jeopardized "not only the credibility of the election in that region but throughout the country", according to Lawyers for Human Rights (from a written statement to the TEC, 18 January 1994).

This led, in the second week of March, to widespread rioting by angry residents, which brought in national troops to maintain law and order and brought down the homeland government. The TEC Management Committee took responsibility for the administration of the homeland and, together with the South African Government, announced a range of immediate steps to enhance good governance in the territory and create a climate conducive to free political activity. In addition, on 22 March, the leader of Ciskei, another Black homeland, stepped down, and the TEC took over responsibility for its administration as well.

UN MISSION EXPANDS

The United Nations Observer Mission in South Africa (UNOMSA) had been deployed by the Secretary-General in September 1992, at the request of the Security Council, to help implement the 1991 National Peace Accord. In January 1994, however, UNOMSA's size and mandate were expanded by the Security Council, following a request by the TEC that the United Nations

provide a sufficient number of observers to monitor the electoral process and to coordinate the activities of international observers of the OAU, the European Union and the Commonwealth and those provided by Governments.

Besides observing developments and regularly reporting to the Secretary-General, for the past year and a half UNOMSA has actively supported South African efforts to resolve disputes and promote reconciliation. In so doing, it works closely with the structures established under the Accord, including the National Peace Committee (NPC), which is composed of senior representatives of all the parties to the Peace Accord, as well as the regional and local Peace Committees and the National Peace Secretariat. NPC provides administrative support to the other peace structures.[2]

UNOMSA's complement of observers is being increased from 100 in January to 1,800 during the elections. Its mandate includes observing the electoral process as a back-stop to South Africa's Independent Electoral Commission, which has primary responsibility for organizing, administering and monitoring the elections. UNOMSA will coordinate the work of a total of 2,300 international observers who will be in the country at the time of the elections.

To direct these activities, the Secretary-General, last December, appointed Mr. Lakhdar Brahimi, former Minister for Foreign Affairs of Algeria, as his Special Representative for South Africa. Together with his Deputy, Ms. Angela King, Mr. Brahimi meets regularly with representatives of virtually all political organizations in the country to impress upon them the importance the international community attaches to achieving a peaceful transition to democracy.[3]

GENERAL ASSEMBLY SUPPORT

At UN Headquarters over the past year, Member States intensified their work to encourage and support the political process under way in the country. At its 48th session, the General Assembly underscored that support by adopting five resolutions on South Africa. For the first time since 1948, when it first considered the item, all five resolutions were adopted without a vote (A/RES/48/159 A to D and A/RES/48/160).

By an omnibus resolution entitled "International efforts towards the total eradication of apartheid and support for the establishment of a united, non-racial and democratic South Africa", in which the recommendations of the UN Special Committee against Apartheid were adopted, the Assembly, among other things, strongly urged the South African authorities and all parties in South Africa, including those which had not participated fully in the multi-party talks, to respect agreements reached during the negotiations, to take part in the elections and to resolve outstanding issues by peaceful means only. It requested the Secretary-General to accelerate planning for a United Nations role in the electoral process and called on the international community to assist South Africans in the economic reconstruction of their country so that the new South Africa could begin its existence on a firm economic basis.

In another resolution, the Special Committee against Apartheid was requested, among other things, to submit its final report to the Assembly

[2] For further information, see United Nations Focus: South Africa—United Nations Observer Mission in South Africa (UNOMSA), DPI/1391, August 1993.

[3] For further information, see UNOMSA Fact Sheet—South Africa's Democratic Elections: the UN's Observer Role, DPI/1472, March 1994.

as soon as possible following the establishment of a democratically elected non-racial Government. Other resolutions concerned the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa. Another resolution terminated the mandate of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa.

THE LEGACY OF APARTHEID

"The tremendous disparities in the socio-economic sectors are a daily reminder that the past suffering and deprivation continue to be part of the present. . . . It will be many years before the scars and legacy of apartheid will begin to fade. Despite these obvious difficulties, we must make some beginning, no matter how modest."

Prof. Ibrahim A. Gambari,
Chairman of the Special Committee against Apartheid,
speaking on the International Day for the
Elimination of Racial Discrimination,
21 March 1993

Political transformation from apartheid to democracy will represent a major achievement for South Africa, but it is just the beginning. Disparities in living standards created by the apartheid regime over the past 45 years, whether in employment, housing, education or health care, pose another major challenge to peace and to the success of the newly formed Government.

According to the relief organization Operation Hunger, 90 per cent of Black South Africans are living below the poverty line. Close to 1.5 million families are homeless. And, since 1990, housing conditions for Blacks have actually deteriorated. Squatters in the Johannesburg area have increased four-fold, to about 400,000. Millions of people are living in shanties without electrical service.

As for employment opportunities, the Reserve Bank of South Africa has estimated that 288,000 non-agricultural jobs were lost from 1989 through 1992, a period that proved to be the longest recession suffered by the South African economy in this century. Total mining employment declined by 20 per cent between 1987 and 1992 as a result of declining gold prices. The business community expects unemployment to increase by a further 900,000 over the next two years.

The provision of health care in the country remains inequitable. Statistics on infant mortality indicate that 4 out of every 10 children in South Africa die before they reach the age of five. Ninety per cent of these deaths are due to treatable illnesses such as tuberculosis and intestinal diseases. According to the Centre for Health Policy Studies at the University of Witwatersrand, rural Black and Coloured communities have an infant mortality rate at least 2.6 times higher than urban-based communities.

For the majority of South Africans, there has been no improvement in the education system. According to the annual report of the Special Committee against Apartheid (A/48/22 S/26714), 45 per cent of the Black population have not learned to read or write. Nationwide, for Black students receiving an education, the average pass rate in 1992 was 43.8 per cent (an improvement on the previous rate of 39.2 per cent), compared to 96 per cent for Whites. Only 10 per cent of Black students who sat for exams scored high enough to be considered for university admission.

HOPE FOR THE FUTURE

There is some reason for optimism, however. The economy is at last showing signs of renewed growth after the long period of recession, with gross domestic product rising modestly during 1993. In March 1993, South Africa's Minister of Finance presented a long-term restructuring programme which outlined weaknesses in the

economy and recommendations to increase the potential for accelerating growth.

While such growth is seen as a prerequisite to the alleviation of poverty and the socio-economic development of disadvantaged groups, the programme recognizes that growth itself will not automatically result in improved living standards for the poor. Additional measures will be required to address the disparities in the socio-economic sectors. To this end, the ANC, in January 1994, issued its Reconstruction and Development Programme (RDP), which outlines its proposals for future economic restructuring.

South Africa's own efforts will be supported by an unprecedented spirit of international good-will that prevails as the world watches the country's political transformation. For example, to complement South Africa's efforts to redress social and economic disparities, the United Nations, through the UN Development Programme (UNDP), together with the Commonwealth, is coordinating preparations for an International Donors' Conference for Human Resource Development in a Post-Apartheid South Africa, to be convened by the new South African Government in Johannesburg within a couple of months following the elections.

The UN and the Commonwealth Secretariat have been holding preliminary consultations with the TEC Sub-Council on Foreign Affairs on organizing the Conference, which would focus attention on the country's needs and encourage donor countries and agencies to provide concrete assistance to South Africa in the transition period. The TEC has set up a planning committee for the Conference and designated the Foreign Ministry as the contact point.

The April elections will bring to a close the dramatic chapter of South African history that began more than four years ago, when South African President F. W. de Klerk lifted the ban on political organizations and promised the release of political prisoners. Yet the elections will also signify the beginning of a new and critical chapter, in which the country will work to make its transition to a democratic society. It will not be easy. To quote IEC Chairman Justice Kriegler, "We must now learn about democracy, and let me be perfectly frank: there is no reliable, unimpeachable tradition of democracy in South Africa that would stand the scrutiny of Europe. We are starting from scratch." If the people of South Africa succeed, they will prove that, in spite of political differences, a diverse people can work together. In their success, they will set a much-needed example for a conflict-ridden world.

A BRIEF CHRONOLOGY

Events leading up to the 27 April elections in South Africa

December 1989 — UN General Assembly adopts Declaration on Apartheid and its Destructive Consequences in Southern Africa (resolution S-16/1), calling for negotiations to end apartheid and establish a non-racial democracy.

February 1990 — President F. W. de Klerk lifts ban on political organizations and promises release of political prisoners. Mr. Nelson Mandela released from prison.

August 1990 — Discussions between Government and ANC result in Pretoria Minute, making possible release of large numbers of political prisoners.

June 1991 — Group Areas Act, Land Acts and Population Registration Act repealed.

September 1991 — UNHCR and Government sign Memorandum of Understanding leading to amnesty for South African refugees and political exiles. National Peace Accord signed (on 14th).

December 1991 — UN General Assembly calls for negotiations for new constitution and an end to international academic, scientific and cultural as well as sports boycotts (resolution 46/79A). First plenary session of Convention for a Democratic South Africa (CODESA).

March 1992 — South African Government holds Whites-only referendum—68 per cent vote for continuing negotiations.

May 1992 — Second plenary session of CODESA fails to draft blueprint for transitional structures. ANC adopts strategy of "mass action" to press for interim government and elections.

June 1992 — Following Boipatong massacre, ANC suspends bilateral talks with Government and participation in CODESA negotiations.

July 1992 — At urging of OAU, Security Council condemns violence and calls for cooperation in negotiating process (res. 765 (1992)). Secretary-General's Special Representive Cyrus Vance appointed and visits South Africa.

August 1992 — Security Council authorizes deployment of UN observers to South Africa, and calls on OAU, Commonwealth and European Community to do the same (res. 772 (1992)).

September 1992 — ANC and Government agree on need for democratically elected assembly to draft and adopt new constitution and act as transitional Parliament; right of all organizations to participate in peaceful mass action. Secretary-General deploys 50 observers to South Africa as UN Observer Mission in South Africa (UNOMSA). Secretary-General's Special Envoy Virendra Dayal meets in South Africa with senior officials of National Peace Committee, Government, various parties, and representatives of NGOs.

October 1992 — Exploratory discussions between Government and PAC culminate in agreement reached on need for new non-racial constitution to be drawn up by a democratically elected body, and for continued negotiations.

November 1992 — Secretary-General's Special Envoy Tom Vraalsen meets in South Africa with senior officials of National Peace Committee, Government, various parties, and representatives of NGOs.

March 1993 — Mission of UN Special Committee against Apartheid visits South Africa for first time to consult with representatives of major political parties. After 10-month deadlock, Multi-party Planning Conference meets in largest gathering of political organizations in South Africa's history.

July 1993 — Multi-party Negotiating Council adopts by consensus binding constitutional principles for a democratic Government and decides to hold elections on 27 April 1994.

August 1993 — Security Council calls on all parties to assist Government in preventing opponents of democracy from using violence.

September 1993 — Multi-party negotiating forum and South African Parliament approve establishment of Transitional Executive Council (TEC) and three independent Commissions (media, broadcasting and electoral). ANC President Nelson Mandela, addressing UN Special Committee against Apartheid, appeals for economic sanctions against South Africa to be lifted.

October 1993 — General Assembly lifts immediately all economic sanctions imposed against South Africa, and oil embargo when TEC operational (A/RES/48/1). Nobel Peace Prize awarded jointly to ANC President Nelson Mandela and State President F. W. de Klerk. UN Secretary-General meets, in Maputo, with leaders of IFP and PAC to encourage them to participate in multi-party negotiations and TEC.

November 1993 — Plenary session of multi-party negotiating process adopts draft interim constitution. Security Council invites Secretary-General to accelerate planning for UN role in election process.

December 1993 — TEC endorses Multi-Party Negotiating Council resolution requesting UN observers to monitor electoral process. Secretary-General dispatches survey team to assess UN role in electoral assistance. General Assembly lifts oil embargo, marking end of all GA sanctions against South Africa. Secretary-General's Special Representative for South Africa, Mr. Lakhdar Brahimi, appointed to coordinate international observers. South African Parliament adopts Constitution for the Transition Period, which will come into effect on 27 April 1994.

January 1994 — All citizens in South Africa and the "homelands" now eligible for South African citizenship. Security Council expands UNOMSA's size to 1,800 observers for the election period, and its mandate, to include coordination of all international observers (res. 894). Ciskei homeland leaves Freedom Alliance after deciding to participate in elections and TEC.

February 1994 — Freedom Alliance leaders pull out of negotiations, announcing they will not register to take part in elections. By 12 February deadline, 10 political parties have registered to participate. ANC President Mandela announces package of constitutional concessions to address concerns raised by Freedom Alliance, which gains endorsement by Multi-party Negotiating Council. Deadline for registration of parties extended to 4 March. Delegation of Special Committee against Apartheid visits South Africa to encourage efforts under way to bring all parties into political process.

March 1994 — By 4 March deadline, 10 additional parties have registered, bringing total number of registered parties to 29. By 11 March deadline, 27 parties, excluding IFP and Conservative Party, have registered list of candidates. ANC and IFP reach agreement on international mediation. Freedom Front is formed by breakaway members of Freedom Alliance to participate in elections. Uprisings in Bophuthatswana and Ciskei lead to take-over of their administrations by South African Government and TEC and to their incorporation into political process.

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